

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's action dated April 2, 2008. No claims have been amended or canceled by this paper. Accordingly, Claims 1-15, 17, 18 and 20-23 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claims 1-10, and 12-14 stand rejected under 35 U.S. C. §102 as being anticipated by U.S. Patent No. 6,785,223 to Korpi et al. ("Korpi") and Claims 21-23 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Number 6,771,623 to Ton ("Ton"). In addition, Claims 15, 17, 18 and 20 stand rejected under 35 U.S.C. §103 as being unpatentable over Korpi in view of Ton, and Claim 11 stands rejected under 35 U.S.C. §103 as being unpatentable over Korpi in view of U.S. Patent Number 6,904,277 to Tsutsumi, et al ("Tsutsumi"). In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference (MPEP Section 2131.) In order to establish a prima facie case of obviousness under § 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all the claim limitations. (MPEP Section 2143.) However, all the claimed elements cannot be found in the cited references, whether those references are considered alone or in combination. Accordingly, reconsideration and withdrawal of the rejections of the claims, as anticipated by or obvious in view of the cited references are respectfully requested.

The present invention is generally directed to efficiently recovering realtime data communication signaling channels established between an endpoint and a gatekeeper over an Internet protocol network. More particularly, embodiments of the claimed invention are directed to providing a communication signaling channel between a communication endpoint and a second gatekeeper after a communication signaling channel between the communication endpoint and a first gatekeeper has been lost. In addition, the pending claims recite that the second or alternate call signaling channel is established by sending a keep alive message and/or a lightweight registration request message to the second, alternate gatekeeper in response to or after the loss of a call signaling channel with the first gatekeeper. All of these noted aspects of

the invention as claimed are not taught, suggested or described by the cited references, whether those references are considered alone or in combination.

The Korpi reference is generally directed to automatically reestablishing signaling that was interrupted due to a gatekeeper failure in an H.323 network. In particular, Korpi discusses the establishment of a supervisory link between primary and secondary gatekeepers. (Korpi, col. 2, ll. 17-21.) Korpi states that the supervision is done by the secondary gatekeeper sending “keep alive” messages between gatekeepers. (Korpi, col. 2, ll. 21-23.) According to Korpi, if the primary gatekeeper fails, the secondary gatekeeper then initiates takeover of the call and sends affected clients a failure notification message. The clients then reestablish the call signaling channel using the secondary gatekeeper. (Korpi, col. 2, ll. 29-40.)

The Korpi reference does not teach, suggest or describe sending a keep alive message to a secondary alternate gatekeeper in response to losing a call signaling channel, for example as recited by independent Claims 1 and 15, and the claims dependent therefrom. Instead, Korpi describes sending a failure notification message from a secondary gatekeeper to clients. Therefore, none of the pending claims are anticipated by Korpi, and the rejections of Claims 1-10 and 12-14 should be therefore be reconsidered and withdrawn.

The Ton reference is generally directed to a method for ensuring reliable mobile IP service. More particularly, Ton allows registration with alternate agents when a primary agent is unavailable. However, Ton does not teach, suggest or describe sending a keep alive message in order to effectively reestablish a lost call signaling channel, sending a keep alive message that comprises a lightweight registration request, or sending a lightweight registration request in response to losing a signaling link. The Final Office Action asserts that the Ton reference discloses sending a lightweight RRQ message in response to a loss of a first call signaling channel. However, Applicants note that the portion of Ton cited in connection with such a disclosure describes a message sent from a primary home agent (HA1) to a secondary home agent (HA2). Therefore Ton does not describe a communication endpoint (MN) that sends a lightweight RRQ message in response to a loss of a call signaling channel. (Ton, col. 9, ll. 50-53.) Moreover, the message sent from the primary home agent in Ton is not sent in response to the loss of a call signaling channel. Instead, it is sent once the mobile device has registered with the primary home agent. Accordingly, Ton does not disclose a communication endpoint that

sends a keep alive signal to establish a second call signaling channel in response to losing a link between the endpoint a means for controlling as recited by Claims 21-23. Therefore, Claims 21-23 are not anticipated by Ton and should be allowed.

With respect to the rejections of Claims 15, 17, 18 and 20 as obvious over a proposed combination of Korpi and Ton, Applicants submit that even if such a combination is proper, it does not provide each and every element of the rejected claims. For example, as discussed above, neither of these references disclose sending a keep alive message or a lightweight RRQ message in response to a loss of a communication link between an endpoint and a gatekeeper or controller as generally claimed. Therefore, even if these references are combined, such elements of the claims are not disclosed. In particular, the Korpi reference discusses sending keep alive messages between gatekeepers, and does not discuss sending a lightweight registration request in response to losing a signaling channel between a communication endpoint and a gateway. The Ton reference also does not disclose sending a lightweight RRQ message in response to the loss of a signaling link. Accordingly, the rejections of Claims 15, 17, 18 and 20 should be reconsidered and withdrawn.

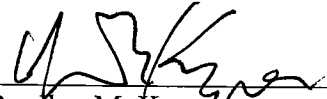
The Office Action also notes that Ton does not disclose a telephony device comprising an IP telephone, a soft telephone, a video telephone, or a soft video-phone. For such disclosure, the Office Action cites to Tsutsumi. Applicant agrees that Tsutsumi could be taken as evidence of the existence of IP telephones in the prior art. However, Tsutsumi does not teach, suggest, or describe the use of IP telephones in connection with a system or method as otherwise recited by the pending claims. Moreover, Tsutsumi does not make up for the deficiencies of Ton with respect to the independent claims. Accordingly, the rejection of Claim 11 as obvious should be reconsidered and withdrawn.

The Application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would be of assistance to the Examiner.

Respectfully submitted,

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